

REMARKS

Claims 14, 16, and 18-27 stand rejected. Claim 24 is amended. Claims 14, 16, and 18-27 remain pending.

Claim 24 Objection:

Claim 24 has been amended to change "affect" to "effect" as requested by the Examiner. No new matter is added.

102 Rejection:

Claims 14, 16, 18, 19, and 21 are rejected under 102(e) as anticipated by US Patent 6,454,727, Burbank ('727). This rejection is respectfully traversed for at least the following reasons.

It is respectfully urged that the Examiner's rejection is improper, at least in part, because the Examiner has mischaracterized various portions of Burbank. For instance, the Examiner states that Burbank discloses an elongated piercing element 156. However, reference number 156 in Burbank is a "longitudinal axis 156" as noted in column 8, line 20 of Burbank. Accordingly, Burbank does not disclose an elongated piercing element 156.

Additionally, the Examiner states that Burbank discloses a piercing element with a sharpened distal end 202. However, Burbank discloses a "cutting wire 202 is attached to a head 198", at column 9, line 52, not a piercing element with a sharpened distal end 202.

Likewise, the Examiner states that Burbank discloses an elongated cutter 136 at least partially disposed within the piercing element. However, Burbank actually discloses at column 6, lines 39 that a cutting wire 136 is provided in inner cannula 116. So it is not seen how Burbank discloses an elongated cutter 136 disposed within a piercing element.

With respect to Claim 14, it is respectfully urged that Burbank does not teach, among other things, automatically rotating an elongated piercing element having a sharpened distal end. It

is also respectfully urged that Burbank does not teach such an arrangement in combination with a cutter having a distal cutting end that is translatable distally and proximally relative to the port of such a piercing element.

With respect to Claim 21, it is respectfully urged that Burbank does not teach, among other things, automatically rotating an elongated piercing element having a sharpened distal end. It is also respectfully urged that Burbank does not teach an elongated tubular cutter disposed coaxially and slidably within a lumen of a piercing element. Note Burbank employs a cutting wire.

Withdrawal of the rejection is requested.

Double Patenting:

A terminal disclaimer is enclosed in response to the Examiner's double patenting rejection. Withdrawal of the double patenting rejection is requested.

Respectfully,

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